

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL, 8027 AFT-NEW HAMPSHIRE,
AFL-CIO, et al.,

Plaintiffs,

v.

FRANK EDELBLUT, in his official
capacity only as the Commissioner
of the New Hampshire Department
of Education, et al.,

Defendants.

ASSENTED-TO MOTION TO EXCEED PAGE LIMIT

Frank Edelblut, in his official capacity as Commissioner of the Department of Education, John M. Formella, in his official capacity as Attorney General of the State of New Hampshire, Ahni Malachi, in her official capacity as Executive Director of the Commission for Human Rights, Christian Kim, in his official capacity as Chair of the Commission for Human Rights, and Kenneth Merrifield, in his official capacity as Commissioner of the Department of Labor (the “defendants”), by and through the Office of the New Hampshire Attorney General, move with the plaintiffs’ assent to exceed the 25-page limit in Local Rule 7.1(a)(3) for memoranda in support of dispositive motions:

1. On March 8, 2022, this Court issued an oral order during a status conference consolidating two separate complaints into this docket because both complaints challenged the same recently enacted state laws and presented a common, “virtually identical” claim. *See* ECF Doc. No. 25 at 4.

2. At the status conference, the defendants indicated that they intended to move to dismiss the complaints for failure to state a claim. The Court directed the defendants to file two cover motions to dismiss, one attached to each respective complaint. The Court indicated that those motions could be supported by an omnibus memorandum.

3. The defendants have prepared a memorandum explaining why, in their view, each of the claims in the respective complaints should be dismissed. They have further prepared cover motions to dismiss indicating which sections of the memorandum pertain to each complaint. The defendants have endeavored to set forth their arguments as succinctly as possible. Given the number of claims presented in the complaints and the legal standards those claims implicate, however, the defendants' memorandum is approximately 37 pages long, exclusive of the signature block and certificate of service.

4. The defendants request that the Court allow them to file their memorandum in excess of the 25-page limit set forth in Local Rule 7.1(a)(3). The defendants submit that good cause exists for this relief given that their memorandum addresses two complaints and this case presents multiple questions of constitutional law.

5. The defendants have conferred with both sets of plaintiffs, who assent, through counsel, to the requested relief. Defense counsel has, in turn, anticipatorily assented to a corresponding expansion of the page limit for the plaintiffs, should they require it.

6. No memorandum supports this motion because all arguments are set forth herein. LR 7.1(a)(2)

WHEREFORE, the defendants respectfully request that this Honorable Court:

- A. Permit the defendants leave to submit a memorandum of law in support of their motions to dismiss in excess of the page limit set forth in Local Rule 7.1(a)(3); and
- B. Grant such other relief as the Court deems just and equitable.

Respectfully submitted,

FRANK EDELBLUT, in his official capacity
as Commissioner of the Department of
Education,

JOHN M. FORMELLA, in his
official capacity only as Attorney General
of the State of New Hampshire,

AHNI MALACHI, in her official capacity as
Executive Director of the Commission for
Human Rights,

CHRISTIAN KIM, in his official capacity as
Chair of the Commission for Human Rights,

and

KENNETH MERRIFIELD, in his official
capacity as Commissioner of the Department of
Labor

By their attorney,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: March 25, 2022

/s/ Samuel Garland
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Certificate of Service

I hereby certify that a copy of the foregoing was served on all counsel of recording using the Court's electronic-filing service.

/s/ Samuel Garland
Samuel R.V. Garland